

Good LAW, P.C.

Gregory E. Good, SB# 014445; PCC# 64682
FOOTHILLS CORPORATE CENTER
3430 E. SUNRISE DRIVE, STE. 170
TUCSON, ARIZONA 85718
TELEPHONE: (520) 628-8221
FACSIMILE : (520) 547-0394

HOWARD, PHILLIPS & ANDERSEN

Gregory D. Phillips
Scott R. Ryther
Thomas R. Lee, Of Counsel
560 East 200 South, Suite 360
Salt Lake City, Utah 84102
Telephone: (801) 366-7471
Attorneys for Defendants/Counterclaimants Volkswagen of America, Inc.,
Audi of America, Inc. and Continental Enterprises

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Au-TOMOTIVE GOLD, INC,

Plaintiff/Counterdefendant,

vs.

VOLKSWAGEN OF AMERICA, INC.,
AUDI OF AMERICA, INC.,
VOLKSWAGEN
AKTIENGESELLSCHAFT, AUDI
AKTIENGESELLSCHAFT, and
CONTINENTAL ENTERPRISES,

Defendant/Counterclaimants.

Case No: CIV-01-162 TUC-FRZ

JOINT STATUS REPORT

(Assigned to Hon. Frank R. Zapata)

In keeping with the Court's Order entered April 1, 2008 (Doc. 178), Plaintiff Au-Tomotive Gold, Inc. and Defendants Volkswagen of America, Inc., Audi of America, Inc., Volkswagen AG, and Audi AG (collectively "Volkswagen") hereby submit the following status report concerning discovery pertaining the issues of damages and restitution:

1. The parties have conferred concerning the issue of discovery pertaining to damages and restitution.

2. Defendants Volkswagen and Audi suggest that the Court allow the parties a period of three months within which to complete any needed discovery pertaining to damages and restitution, to and including August 1, 2008, with a further Joint Status Report be filed by the parties on or before July 15, 2008.

3. Plaintiff Au-TOMOTIVE GOLD, Inc. objects to conducting discovery relating to restitution and damages until after the Court of Appeals decides plaintiff's appeal of the recent order granting defendants a permanent injunction for all the reasons set forth in its pending Motion to Stay the Trial and Discovery. Defendants oppose Plaintiff's Motion to Stay and, for the reasons set forth in Defendants' Opposition filed concurrently with this Status Report assert that Plaintiff's Motion to Stay should be denied summarily and discovery should proceed in the case without further delay.

4. Should the Court not grant plaintiff's motion, plaintiff would not oppose defendants' above proposal; however, plaintiff objects to any discovery relating to damages for the reason that plaintiff waived any claim to monetary damages by refusing to answer plaintiff's discovery relating to damages and instead informing plaintiff in writing that defendants were not seeking monetary damages. Defendants, however, disagree that there has been a waiver of claims for damages and restitution, and note that there is no stipulation or amendment of the pleadings of record in this case to reflect such a waiver

DATED this 15th day of May, 2008.

HOWARD, PHILLIPS & ANDERSEN, P.C.

Gregory D. Phillips

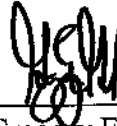
Scott R. Ryther

Thomas R. Lee

////

////

GOOD LAW, P.C.



Gregory E. Good
Attorneys for Defendants/Counterclaimants

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2008, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Dennis A. Rosen, Esq.
Gayle D. Reay, Esq.
Law Offices of Dennis A. Rosen
1670 E. River Rd., Suite 124
Tucson, AZ 85718-8900
drosen@drosenlaw.com
greay@drosenlaw.com

H. Kenneth Kudon, Esq.
Kudon Law Firm
2 Old Creek Ct.
Potomac, MD 20854
kkudon@kudonlaw.com
Attorneys for Plaintiff/Counterdefendant Au-Tomotive Gold, Inc.

Gregory D. Phillips, Esq.
Scott R. Ryther, Esq.
Howard, Phillips & Andersen, P.C.
560 East 200 South, Suite 300
Salt Lake City, Utah 84102
gdp@hpalaw.com
sryther@hpalaw.com
Attorneys for Defendants/Counterclaimants Volkswagen of America, Inc.,
Audi of America, Inc. and Continental Enterprises

